

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**CONEISHA L. SHERROD,**

*Plaintiff,*

vs.

**UNITED WAY OF TARRANT COUNTY,**

*Defendant.*

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**Civil Action No. 4:17-cv-758-O**

**DEFENDANT'S OBJECTIONS TO PLAINTIFF'S EXHIBIT LIST**

Defendant United Way of Tarrant County (hereafter "United Way"), files its Objections to Plaintiff's Exhibit List pursuant to Federal Rule of Civil Procedure 26(a)(3)(A)-(B) and would respectfully show the Court as follows:

**I. Exhibits Plaintiff Expects to Introduce into Evidence**

Defendant objects to the following exhibits identified by Plaintiff:

<b>No.</b>	<b>Description of Exhibit</b>	<b>Bates #</b>	<b>Objection(s)</b>
1	Smyers Email Re: Recap-Complaints Concerning Finance Staff (2/14/17), dated 2-15-17	Sherrod 0001-02	No objection.
2	Boyd Memo Re: Complaint, dated 2-14-17 with email dated 2-16-17	Sherrod 00004-10	No objection.
3	Castrellon email Re: Statement of Report, dated 2-22-17	Sherrod 00011-12	No objection.
4	Boyd email Re: FW: form 1295, dated 1-27-17	Sherrod 00017-20	No objection.
5	Sherrod email Re: Fwd: Reminder-Out of Office (Coneisha), dated 2-17-17	Sherrod 00021-22	No objection.
6	Smyers/Sherrod email chain Re: Finance, dated 2-22-17	Sherrod 00023-24	No objection.
7	Smyers/Jones email chain Re: Executive Staffing of Board &	Sherrod 00025-27	No objection.

No.	Description of Exhibit	Bates #	Objection(s)
	Committee Meetings, dated 2-23-17		
8	Boyd/Sherrod email chain Re: Fwd: Monthly Meeting with TD Smyers and Coneisha Sherrod, dated 2-28-17	Sherrod 00028-30	No objection.
9	Sherrod email Re: Fwd: Just an FYI, dated 3-2-17	Sherrod 00031-33	No objection.
10	Smyers email chain Re: Accepted: Monthly (February) Meeting with TD and Coneisha, dated 3-2-17	Sherrod 00034-37	No objection.
11	Sherrod email chain Re: Formal Complaint, dated 3-2-17	Sherrod 00038-41	No objection.
12	Sherrod email, Re: Recap-Complaints Concerning Finance Staff (2/14/17), dated 2-15-17	Sherrod 00042-43	No objection.
13	Booker email chain Re: Immediate Employee Resignation 03/03/2017, dated 3-3-17	Sherrod 00044-45	No objection.
14	McKinney email Re: Employee Matter, dated 2-4-16	Sherrod 00091	Privilege
15	Jones email Re: February 19, 2016, dated 2-12-16	Sherrod 00092	No objection.
16	Jones letter to Sherrod, dated 5-19-16	Sherrod 00093	Authentication; Hearsay
17	Dixon letter to Sherrod, dated 9-17-13	Sherrod 00094	No objection.
18	United Way Planning Committee Photos, 2016	Sherrod 00137141	No objection.
19	Djordjevic email Re: Congratulations: Your Appointment on United Way Talent Advisory Council, dated 11-29-16	Sherrod 00142-143	No objection.
20	Boyd email Re: Thank You!, dated 2-22-16	Sherrod 00145	No objection.
21	Sherrod Request Time Off, March 2017	Sherrod 00147	No objection.
22	Sherrod Performance Documents, 2014-2016	Sherrod 00148-165	No objection.
23	Sherrod Job Description, 2015	Sherrod 00166-167	No objection.

No.	Description of Exhibit	Bates #	Objection(s)
24	McKinney email Re: Salaries, dated 2-9-17	Sherrod 00170	No objection.
25	McKinney income documents, 2010-2011	Sherrod 00171-175	No objection.
26	McKinney income documents dated 8-14-08	Sherrod 00215	Authentication
27	Sherrod emails Re: FW: United Way: Leah King Resume, dated 5-17-16	Sherrod 00219	No objection.
28	McKinney letter and attachment dated 7-1-15	Sherrod 00220-223	No objection.
29	Sherrod email Re: Employee Relations Meeting, dated 8- 15-16	Sherrod 00224-225	No objection.
30	Incident Report Re: Britton Pavlic, VP Finance and Controller, dated 7-25-16	Sherrod 00226-227	No objection.
31	Netherland email chain Re: Time Cards, dated 7-25-16	Sherrod 00228-229	No objection.
32	Sherrod email chain Re: Internal Complaint – June 6, 2016, dated 9-26-16	Sherrod 00230	Authentication; Hearsay
33	Spiker email Re: Tim McKinney's Incentive Compensation, dated 9-26-15	Sherrod 00231	No objection.
34	CEO Bonus Authorization dated 10-11-16	Sherrod 00232	No objection.
35	Sherrod email chain Re: Executive Presence – One Month Later, dated 10-16-14	Sherrod 00233-235	No objection.
36	United Way of Tarrant County Organization Goals & Objectives, June 2013	Sherrod 00236-247	No objection.
37	Vita letter dated 5-13-14	Sherrod 00248-250	No objection.
38	403b Letters dated 5-16-14	Sherrod 00251-294	No objection.
39	Vita email Re: Corrective Contribution Payment, dated 5-15-14	Sherrod 00295	No objection.
40	Griffin letter to IRS with attachments dated 5-29-14	Sherrod 00296-457	Authentication
41	403b Plan emails date 1-31-17	Sherrod 00458461	No objection.

No.	Description of Exhibit	Bates #	Objection(s)
42	Sherrod Designation of Authorized Representative Form dated 11-8-13	Sherrod 00462	No objection.
43	Sherrod email chain Re: Verification of Contact Info: United Way of Tarrant County, dated 11-8-13	Sherrod 00463-464	No objection.
44	Retirement Plan Documents, 2016-2017	Sherrod 00465-550	No objection.
45	Booker email dated 1-19-16 Re: Tim McKinney's Base Pay	Sherrod 00551-52	Authentication; Hearsay
46	Wallace email Re: FW: Draft: Compensation and Benefits Committee (Recommendations for Approval), dated 1-8-16	Sherrod 00554-59	No objection.
47	McKinney Letter to Lee dated 7-1-2015	Sherrod 00560-63	No objection.
48	Succession Planning Sub-Committee Minutes dated 1-20-15	Sherrod 00564-66	No objection.
49	Succession Planning Sub-Committee Minutes dated 3-17-15	Sherrod 00564-66	No objection.
50	Smyers email RE: Employment Status, dated 3-17	Sherrod 00569	No objection.
51	McKinney email Re: Coneisha sent you a message, dated 3-6-2017	Sherrod 00573-75	No objection.
52	McKinney letter to Sherrod Re: termination, resignation, and severance, dated 3-8-17	Sherrod 00576-82	No objection.
53	Board and Committee Lists	Sherrod 00583-646	No objection.
54	Bylaws 2017	Sherrod 00654-74	No objection.
55	Minutes dated 11-18-14	Sherrod 00737-45	No objection.
56	Notes for 11-30-14 Financial Statements – Total Assets	Sherrod 00746 - 52	Authentication
57	Email from Sherrod Re: Formal Complaint, dated 3-217	Sherrod 0787-88	No objection.

No.	Description of Exhibit	Bates #	Objection(s)
58	Sherrod email Re: Formal Complaint (TD Smyers), dated 3-2-17	Sherrod 00789-90	No objection.
59	Notes for 1-31-15 Financial Statements	Sherrod 00803-12	Authentication
60	Bylaws 2015	Sherrod 00822-41	No objection.
61	McKinney email chain Re: EXTERNAL: Human resources related decisions, dated 6-19-16	Sherrod 00990-992	No objection.
62	Sherrod email chain Re: Trust, dated 6-23-16	Sherrod 00993-994	No objection.
63	Internal Investigation Report Re: Marilyn Jones, dated 7-6- 16	Sherrod 00995-996	No objection.
64	Stewart email Re: May 23rd, dated 7-12-16	Sherrod 00997	No objection.
65	Jones email Re: Follow-up, dated 7-13-16	Sherrod 00998	No objection.
66	Jones Memo Re: Don Smith, dated 7-11-16	Sherrod 00999-1002	Authentication; Hearsay
67	Complaint of Inappropriate Behavior Re: Don Smith	Sherrod 01003-1004	Authentication; Hearsay
68	Smith email chain Re: Chelsea Guidry, dated 6-21- 16	Sherrod 01005-1010	No objection.
69	Notes for June 30, 2014 Financial Statements	Sherrod 01022-1033	Authentication
70	McKinney Letter Re: President's Report, dated 9- 18-15	Sherrod 01164-1166	No objection.
71	Internal Investigation Report re: Stewart, dated 9-1-16	Sherrod 01191-1192	No objection.
72	Jones Memo Re: Record of Conversation Unacceptable Conduct and Performance Review (L. Stewart), dated 10-8-16	Sherrod 01194-1197	No objection.
73	Stewart email Re: My deepest apologies, dated 9-19-16	Sherrod 01198-1199	No objection.
74	Matkin Memo Re: Unprofessional Behavior of L. Stewart, dated 9-19-16	Sherrod 01200-1205	Authentication; Hearsay
75	Stewart memo Re: Modified Performance Review – September 8, 2016, dated 9-9-16	Sherrod 01208-1212	No objection.

No.	Description of Exhibit	Bates #	Objection(s)
76	Jones memo Re: Record of Conversation of Follow-up Meeting: Unacceptable Conduct and Performance Review (L. Stewart), dated 10-19-16	Sherrod 01213-1217	Authentication; Hearsay
77	Financial Statements, Year Ended June 30, 2015	Sherrod 01246-1279	No objection.
78	Official Code of Ethics, Revised: Jan. 15, 2008)	Sherrod 01418-1429	No objection.
79	Sherrod email chain Re: Formal Complaint, dated 3-2-17	Sherrod 01447-1450	No objection.
80	Sherrod income documents for 2017	Sherrod 01519-1526	No objection.
81	Sherrod Resume	Sherrod 01530-1531	No objection.
82	Employee Handbook (Last Revised: 9/26/2016)	Sherrod 01532-1764	No objection.
83	Clark email Re: FW: ERISA Attorney, dated 3-24-14	Sherrod 01765-1766	No objection.
84	Sherrod Earnings Statements and Benefits Info, 2016	Sherrod 01767-1822	No objection.
85	Sherrod pay stubs, 2016	Sherrod 01850-1852	No objection.
86	McKinney email chain Re: Fwd: February 19, 2016, dated 2-12-16	Sherrod 01853-1854	Privilege
87	Sherrod letter to City of Fort Worth Human Relations Unit, dated 3-6-17	Sherrod 01869-1871	No objection.
88	McKinney email chain Re: United Way of Tarrant County, dated 7-22-16	Sherrod 01891-1893	No objection.
89	Sherrod email Re: FW: Internal Complaint – June 6, 2016, dated 9-26-16	Sherrod 01894	No objection.
90	Investigation Report re: McKinney, Smyers, and Buehler dated 9-14-16	Sherrod 01895-1899	No objection.
91	Hunt letter Re: Marilyn Jones, dated 2-19-15	Sherrod 01900-1904	No objection.
92	McKinney email chain Re: M. Jones Correspondence, dated 4-7-15	Sherrod 01905-1906	Privilege

No.	Description of Exhibit	Bates #	Objection(s)
93	MacLeod letter Re: Marilyn Jones, dated 4-2-15	Sherrod 01907-1908	Authentication; Hearsay
94	Moody email Re: FW: Please pay this today, dated 2-22-17	Sherrod 01912-1913	No objection.
95	Moody memo to Sherrod, dated 2-13-17	Sherrod 01914	No objection.
96	Moody email Re: HR issues, dated 2-13-17	Sherrod 01915-1916	No objection.
97	Snow email Re: Statement and Job Duties, dated 2-10-17	Sherrod 01917-1920	No objection.
98	Netherland letter to Sherrod, dated 2-14-17	Sherrod 01921-1922	Authentication; Hearsay
99	Netherland email Re: Morning Conversation, dated 2-14-17	Sherrod 01923	No objection.
100	Stacy email Re: Our meeting 2/14/17, dated 2-14-17	Sherrod 01924-1926	No objection.
101	Frederick email Re: Updates on issue, dated 2-8-17	Sherrod 01929	No objection.
102	Jones email chain Re: February 19, 2016, dated 2- 12-16	Sherrod 01930-1932	Privilege
103	Castrellon email Re: Observations from Finance Investigation, dated 3-2-17	Sherrod 01940	No objection.
104	Sherrod email Re: Recap- Complaints Concerning Finance Staff (2/14/17), dated 2-22-17	Sherrod 01944	No objection.
105	Smyers email Re: Finance, dated 2-22-17	Sherrod 01945	No objection.
106	2015 Employee Salary Administration Report	Sherrod 01963-1965	Authentication
107	McKinney email Re: SVP of Development Hiring Process, dated 3-7-16	Sherrod 01967-1969	No objection.
108	McKinney email Re: FW: SVP of Development Hiring Process, dated 3-7-16	Sherrod 01970-1974	No objection.
109	McKinney email Re: FW: SVP of Development Hiring Process, dated 3-9-16	Sherrod 01975-1978	No objection.
110	Lopez email Re: Review of Incumbent Salary, dated 3-12- 15	Sherrod 01997-2004	No objection.

No.	Description of Exhibit	Bates #	Objection(s)
111	Booker email chain Re: 2-1-1, dated 5-17-17	Sherrod 02005	No objection.
112	Notice of Jones 3-4-16 EEOC Charge, dated 3-24-16	Sherrod 02012-2015	No objection.
113	Booker email chain Re: Resource Development Enabling Strategy, dated 4-17-16	Sherrod 02026-2029	No objection.
114	Jones Settlement Agreement, dated 5-6-15	Sherrod 02031-2038	No objection.
115	Jones letter to Sherrod re retaliation, dated 5-19-16	Sherrod 02042	No objection.
116	Jones memo Re: Responses to UWTC Internal Investigation, dated 6-6-16	Sherrod 02045-2056	No objection.
117	Jones email chain Re: Strategic Review Retaliation, dated 6-2-16	Sherrod 02057-2058	No objection.
118	McKinney email chain Re: Board correspondence re succession planning, dated 7-20-16	Sherrod 02080	No objection.
119	Buehler email chain Re: FW: TD Smyers recommendation for COO/Development Officer, dated 7-18-16	Sherrod 02081	No objection.
120	Buehler email chain Re: FW: TD Smyers recommendation for COO/Development Officer, dated 7-18-16	Sherrod 02082-2083	No objection.
121	Pearson Partners International COO/CDO Search Update and related documents	Sherrod 02087-2145	No objection.
122	Buehler email chain Re: FW: Letter from Board Chair Scott Spiker, dated 7-18-16	Sherrod 02182-2183	No objection.
123	Spiker letter to UWTC Board of Directors, dated 10-15-15	Sherrod 02184-2185	No objection.
124	Buehler email chain Re: FW: FW: TD Smyers' Transition, dated 7-18-16	Sherrod 02188-2190	No objection.
125	Smyers email chain Re: 2-2-1 Pay Discrepancies, dated 12- 1-16	Sherrod 02195-2196	No objection.



<b>No.</b>	<b>Description of Exhibit</b>	<b>Bates #</b>	<b>Objection(s)</b>
126	Boyd email on behalf of McKinney re: Star-Telegram article, dated 12-19-16	Sherrod 02197	No objection.
127	Historical Base Salary, Ann Rice with handwritten additions	Sherrod 02198	No objection.
128	Job Description, Executive Vice President Community Development and Chief Operating Officer	Sherrod 02199-2201	No objection.
129	Ann Rice Salary Documents	Sherrod 02202-2215	No objection.
130	Written Warning, dated 2-21- 12	Sherrod 02216	No objection.
131	Personnel records, C. McQuitty	Sherrod 02217-2237	Privacy
132	Jones Investigation documents, dated 6-29-16	Sherrod 02241-2254	No objection.
133	Smyers email Re: The Strategic Planning Process and Our Community Development Enabling Strategy, dated 2-28-16	Sherrod 02255-2268	No objection.
134	Pharr letter to McKinney, dated 4-2-12	Sherrod 02310	No objection.
135	Personnel Records, L. Pharr	Sherrod 02316-2377	Authentication; Hearsay; Privacy Issues
136	Pharr Offer Letter and Historical Base Salary, M. Jones	Sherrod 02378	Authentication; Hearsay
137	MacLeod letter to McKinney Re: Marilyn Jones' Title and Compensation, dated 2-4-15	Sherrod 02379-2380	No objection.
138	Job Description, Sr. Vice President, Community Development and Jones Resume	Sherrod 02381-2384	No objection.
139	Jones letter to McKinney, dated 1-29-15	Sherrod 02385-2386	No objection.
140	Jones personnel documents	Sherrod 02387-2399	No objection.

No.	Description of Exhibit	Bates #	Objection(s)
141	Video, <a href="https://safeshare.tv/x/FvVTvikOSz">https://safeshare.tv/x/FvVTvikOSz</a> (attempting to “spoof” images and videos of confrontations between police officers and African-Americans as a sporting game, and includes statements such as “next year’s games will be brought to you by Travon Martin Hoodies. Remember they only come in two colors: ‘Michael Brown’ and ‘Freddie Gray.’”) <i>Last visited Jan. 26, 2018.</i>		Authentication; Hearsay
142	Employee Information Tables	Sherrod 02521-2534	Authentication
143	McKinney email Re: 403(b) Plan Record Keeper Recommendation, dated 1-31-17	Sherrod 02535	No objection.
144	Calendar, February-March 2017	Sherrod 02536-2541	Authentication
145	Recordkeeper Search Analysis, dated 12-13-16	Sherrod 02542-2575	No objection.
146	McKinney email Re: Leah King, dated 5-8-17	Sherrod 02605	No objection.
147	Photograph, Leah King mailings	Sherrod 02607	Authentication
148	United Way Worldwide Code of Ethics Guide	Sherrod 02614-2629	No objection.
149	2015 Employee Salary Administration Report	Sherrod 02630-2634	No objection.
150	403(b) Plan Recordkeeper Evaluation and Recommendation Executive Summary	Sherrod 02638-2640	No objection.
151	Excerpt, Global Standards for United Way Organizations	Sherrod 02680-2704	Completeness; Authentication
152	List of Officers	Sherrod 02778-2779	Authentication
153	Recordkeeper Search Finalists Review & Recommendation, dated 1-24-17	Sherrod 02798-2811	No objection.
154	Sherrod recordings		Authentication; Hearsay; Privilege

No.	Description of Exhibit	Bates #	Objection(s)
155	Booker email Re: Fwd: Tim McKinney's Base Pay, dated 1-19-16	Sherrod 02954	No objection.
156	Qualifications Comparison, McQuitty, Jones	Sherrod 03278	Authentication; Hearsay
157	Job Description, President and CEO	Sherrod 03279-3281	No objection.
158	Jones Resume	Sherrod 03282-3283	Authentication
159	McQuitty Resume	Sherrod 03295-3296	Authentication
160	Pharr email Re: Interesting . . . , dated 2-9-11	Sherrod 03308-3309	Authentication; Hearsay
161	Executive & Finance Committees recommendation and approval (Tues., March 9, 2004)	Sherrod 03313-3314	Authentication; Hearsay
162	McKinney email Re: Complaint, dated 4-6-16	Sherrod 03322	Privilege
163	Sherrod emails Re: Group Benefits Broker – Follow-up, dated 4-27-16	Sherrod 03325-3326	No objection.
164	McKinney email chain Re: Group Benefits Broker- Follow-up, dated 4-27-16	Sherrod 03327-3328	No objection.
165	COBRA Election documents, Sherrod, dated 5-5-17	Sherrod 03333-3335	Authentication
166	Hairston email Re: Coneisha Sherrod- COBRA Benefits Update, dated 6-7-17	Sherrod 03344	Authentication; Hearsay
167	Committee Oversight Items	Sherrod 03350	Authentication
168	Succession Planning Sub-Committee minutes, dated 1- 20-15	Sherrod 03358-3360	No objection.
169	Calendar, March 4, 2017	Sherrod 03363	Authentication
170	McKinney memo Re: Senior Management Contingency/Succession Plan, dated 12-12-11	Sherrod 03364-3366	No objection.
171	Pavlic email chain Re: Revised W-2's, dated 2-23-17	Sherrod 03369-3370	Authentication
172	Lopez email chain Re: HR, dated 4-27-16	Sherrod 03373-3375	No objection.
173	Statement to the Executive Committee re: Jones, dated 5- 4-16	Sherrod 03377-3386	Authentication; Hearsay; Privilege

No.	Description of Exhibit	Bates #	Objection(s)
174	Gutierrez email chain Re: Recommendation to modify current healthcare costs to employees	Sherrod 03390-3398	No objection.
175	Jones email chain Re: Pay Issues, dated 12-2-16	Sherrod 03541-3547	No objection.
176	Officers, Directors, Trustees, Key Employees, Etc. Excel Spreadsheet	Sherrod 03753	Authentication
177	Chambers email chain Re: “??”, dated 7-19-16	UWTC_001180-1182	No objection.
178	Turner email Re: UWTC/Jones investigation, dated 8-5-16	UWTC_001203-1204	No objection.
179	Organizational Charts, dated 6-27-16	UWTC_001235-1243	No objection.
180	Handwritten Notes	UWTC_001096-1100	No objection.
181	Handwritten Notes	UWTC_001112-1127	No objection.
182	Proposed Committee Restructuring	UWTC_001129	No objection.
183	Handwritten Notes	UWTC_001149-1158	No objection.
184	McKinney email Re: TD Smyers, dated 9-26-16	UWTC_000184	No objection.
185	Smyers email chain Re: Cancelling meeting for Monday March 6, dated 3-217	UWTC_000185-186	No objection.
186	Boyd email Re: Calendar for March 2nd, dated 3-2-17	UWTC_000187	No objection.
187	Boyd calendar notice Re: Monthly (February) Meeting with TD and Coneisha, dated 3-6-17	UWTC_000188	No objection.
188	Boyd calendar notice Re: Weekly Meeting with Beverly – Cancelled, dated 3-6-17	UWTC_000189	No objection.
189	Boyd email Re: Monthly Meeting with TD Smyers and Coneisha Sherrod, dated 2-2817	UWTC_000190-191	No objection.
190	Boyd email Re: Monthly Meeting with TD Smyers and Coneisha Sherrod, dated 1212-16	UWTC_000192	No objection.
191	Equifax Fax Cover Sheet Re: Coneisha Sherrod, dated 3-2717	UWTC_000193	No objection.

<b>No.</b>	<b>Description of Exhibit</b>	<b>Bates #</b>	<b>Objection(s)</b>
192	Sherrod email Re: Benefits Manager Corporate Gift, dated 10-21-16	UWTC_000292-293	No objection.
193	Smyers email chain Re: Please Remove Sherrod System Access, dated 3-3-17	UWTC_000298-301	No objection.
194	Smyers email chain Re: Monthly Meeting with TD Smyers and Coneisha Sherrod, dated 2-27-17	UWTC_000305-307	No objection.
195	Lyttle email chain Re: Recap-Complaints Concerning Finance Staff (2/14/17), dated 2-27-17	UWTC_000311-315	No objection.
196	Organizational Charts	UWTC_0001-20	No objection.
197	Sherrod Resume and Recommendation letters	UWTC_000122-127	No objection.
198	Smyers Resume	UWTC_000139	No objection.
199	United Way 990's		No objection.
200	Sherrod Lost Pay Summary		No objection.

Respectfully submitted,

/s/ **Andrew T. Turner**

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**ATTORNEYS FOR DEFENDANT UNITED WAY OF**

**TARRANT COUNTY**

**CERTIFICATE OF SERVICE**

On November 15, 2018, the foregoing document was served via electronic mail to all counsel of record.

s/ **Andrew T. Turner**

Andrew T. Turner

36325681.1